



9200/3683  
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket No.: LIPPERT

In re Application of:	)
ROLAND LIPPERT et al.	) Examiner: R. Siconolfi
Appl. No.: 09/719,759	)
Filed: December 14, 2000	) Group Art Unit: 3683
For: MULTIPLE-ROW RADIAL BEARING	)

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
PRUSUANT TO 37 C.F.R. 1.181(a)**

RECEIVED

AUG 27 2003

GROUP 3683

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

SIR:

Applicant hereby petitions the Commissioner to withdraw holding of abandonment of above-identified application for patent.

An office action, dated August 28, 2002 and finally rejecting all claims on file was received from the U.S. Patent and Trademark Office in this application. A term for response was set to expire on November 29, 2002. A response to the Office Action in the form of a Notice of Appeal was mailed to the Commissioner of Patents on November 29, 2002. The appeal was accompanied by a proper certificate of mailing, and received by the U.S. Patent and Trademark Office on December 4, 2002, as indicated by the returned post card.

Following the lodging of the Notice of Appeal, applicant's representative had a first telephone interview with the Examiner on December 6, 2002. During the interview, the subject matter was extensively discussed. In particular, applicant's representative discussed the Burkhardt reference and pointed out that its teaching would not apply to the claims as on file. As a result of the interview, the Examiner agreed to review the matter and further contact applicant's representative within a week.

The Examiner called on December 17, 2002 and informed applicant's representative, after discussing the subject matter with the Supervisory Examiner, that the Office Action will be withdrawn and that a new, non-final, Office Action will be mailed.

The Examiner never followed up with the agreement at the interview and never mailed the Office Action, as agreed. Instead a Notice of Abandonment, mailed August 11, 2003, has now been received.

As soon as applicant became aware of the abandonment of this application, immediate steps were taken.

Grant of the petition is respectfully requested.

The Commissioner is hereby authorized to charge any fees which may be required to Deposit Account No: 06-0502.

Respectfully submitted,

By: \_\_\_\_\_

Henry M. Feiereisen  
Reg. No.: 31,084  
Agent for Applicant

Date: August 18, 2003  
350 Fifth Avenue, Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:af



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Docket No.: LIPPERT

In re Application of:	)
ROLAND LIPPERT et al.	) Examiner: R. Siconolfi
Appl. No.: 09/719,759	)
Filed: December 14, 2000	) Group Art Unit: 3683
For: MULTIPLE-ROW RADIAL BEARING	)

**DECLARATION OF HENRY M. FEIEREISEN**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450  
SIR:

**RECEIVED**  
AUG 27 2003  
**GROUP 3600**

I, Henry M. Feiereisen, declare as follows:

1. I am a registered patent agent, Registration No. 31,084.
2. I am responsible for the prosecution of the above-identified patent application.
3. On September 3, 2002, I received a final Office Action mailed August 28, 2002 in the above-identified patent application.
4. In response to the Office Action, a Notice of Appeal was timely filed on November 29, 2002.
5. On December 6, 2002, I discussed the application with Examiner Siconolfi over the telephone. As a result of this telephone interview, Examiner Siconolfi agreed to review the application and to call me back the following week. A copy of the respective memorandum is attached hereto as Exhibit A.

6. On December 17, Examiner Siconolfi called back to inform me that he will withdraw the final rejection and issue a new Office Action. A copy of the respective memorandum is attached hereto as Exhibit B.

7. In accordance with our office procedure, my secretary Antonella Fusillo, placed the file in the stack, marked "CALL PTO".

8. I have no knowledge as to why my secretary failed to follow up and failed to bring to my attention the fact that no further office action was received. I can only guess that the file became misplaced during preparation for our move to new office facilities in the Empire State Building.

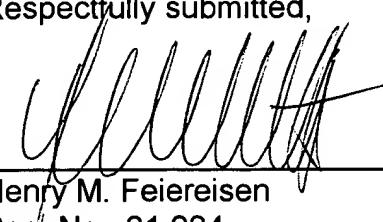
9. The abandonment of this application first came to my attention on August 13, 2003, upon receipt of the Notice of Abandonment, mailed August 11, 2003.

10. In order to avoid repetition of the events which took place in this case, I have instituted a new procedure, which requires my secretary to use a dedicated calender for internal deadlines with respect to placing calls and/or follow-up with inquiries with the Patent and Trademark Office.

11. I hereby declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

By:

  
Henry M. Feiereisen  
Reg. No.: 31,084  
Agent for Applicant

Date: August 18, 2003  
350 Fifth Avenue, Suite 4714  
New York, N.Y. 10118  
(212) 244-5500  
HMF:af

**Gesprächs-Motiv**

mit	Ex. Sicomolfi	Datum 12/6/2002
Firma	TiO	Uhrzeit: 301 m
Straße		Personalisch
Ort		eigener Anruf
Telefon/Telefax	(703) 305-0580	fremder Anruf
E-Mail		
Betreff:	LIPPERI	

Oppenend differieren esp. nicht respektive  
a unterschiedliche Auseinandersetzung mit jenseit. Ex  
wurde ich und wir waren auch will call back  
see you next week.

12/17/2002

**RECEIVED**  
AUG 27 2003  
**GROUP 3600**

Zeichen:  
erledigt:

*Wolff*



(B)

## Gesprächs-Motiv

mit:	<u>Ex Sigmund</u>	Datum <u>12/17/02</u>
Firma	<u>PTO</u>	Uhrzeit <u>3pm</u>
Straße		Personlich
Ort		eigener Anruf
Telefon/Telifax	<u>(703) 305-0580</u>	fremder Anruf
E-Mail		
Betreff:	<u>LIPPERT</u>	

I will withdraw final rejection and issue  
new Office Action

Zeichen:

John A. Lippert